

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**January 2, 2004**

**IN RE:**

**PETITION FOR APPROVAL OF  
AMENDMENT TO INTERCONNECTION  
AGREEMENT BETWEEN BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
TELE-SYS, INC. D/B/A ACCESS  
AMERICA TELEPHONE CO.**

**DOCKET NO.  
03-00572**

---

**ORDER APPROVING  
SECOND AMENDMENT TO INTERCONNECTION AGREEMENT**

---

This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 8, 2003, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the second amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Tele-Sys, Inc. d/b/a Access America Telephone Co.

The original interconnection agreement between these parties was filed on April 3, 2002, and was assigned Docket No. 02-00352. A majority<sup>1</sup> of the Directors<sup>2</sup> voted to take no action on the agreement at a regularly scheduled Authority Conference held on June 11, 2002. By

---

<sup>1</sup> Chairman Kyle did not vote with the majority. Instead, she voted in favor of approval of the agreement.

<sup>2</sup> The terms of the former Directors of the Authority, Chairman Sara Kyle, Director H. Lynn Greer, Jr., and Director Melvin J. Malone, expired on June 30, 2002. Chairman Sara Kyle was reappointed and commenced a new term as a Director of the Authority on July 1, 2002. Pursuant to the requirements of the amended provisions of Tenn. Code Ann. § 65-1-204, a three member voting panel consisting of Chairman Tate, Director Miller and Director Kyle was randomly selected and assigned to this docket.

operation of Section 252(e)(4)<sup>3</sup> of the Telecommunications Act of 1996, the interconnection agreement was deemed approved on July 2, 2002. The first amendment was filed on October 31, 2002, under Docket No. 02-01185 and was approved at a regularly scheduled Authority Conference on December 2, 2002. The second amendment, which is the subject of this docket, was filed on October 28, 2003.

Based upon a review of the second amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>4</sup> Thus, although the Authority finds that neither ground for rejection

---

<sup>3</sup> See 47 U.S.C. § 252(e)(4). If a state commission does not act to approve or reject a negotiated interconnection agreement, such agreement is deemed approved ninety (90) days after its submission for approval.

<sup>4</sup> See 47 U.S.C. § 252(e)(2)(B).

of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the second amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Tele-Sys, Inc. d/b/a Access America Telephone Co. is approved and is subject to the review of the Authority as provided herein.

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Sara Kyle, Director